2743

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Date: May 9, 2005 Name: Jason C. White, Reg. No. 42,223 Signature: Jason C White

BRINKS HOFER GILSON & LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Latter, et al.

Appln. No.: 09/122,484

Filed: July 24, 1998

For: METHOD AND SYSTEM FOR PROVIDING ENHANCED CALLER IDENTIFICATION

Attorney Docket No: 8285/181

Examiner: D. Nguyen

Art Unit: 2743

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Transmittal Letter (in dup.); Reply Brief and Request to Reopen Prosecution

☒ Return Receipt Postcard

Fee calculation:

☒ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

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☐ An additional filing fee has been calculated as shown below:

						Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x $25=			x $50=	
Indep.		Minus				x 100=			x $200=	
First Presentation of Multiple Dep. Claim						+$180=			+ $360=	
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Respectfully submitted,

5-9-05
Date

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Jason C. White (Reg. No. 42,223)

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Date of Deposit

Jason C. White - Reg. No. 42,223
Name of Applicant, Assignee or
Registered Representative

Jason C White
Signature

Our Case No. 8285/181

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Latter et al.	Examiner:	D. Nguyen
Serial No.:	09/122,484	Group Art Unit:	2743
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REPLY BRIEF AND REQUEST TO REOPEN PROSECUTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Examiner's Answer mailed March 10, 2005, Applicants respectfully request that prosecution be reopened and submit the following remarks in response to the new grounds of rejection presented in the Examiner's Answer.

REMARKS

Claims 57-66 and 68-93 are pending in the application.

In the Examiner's Answer, Claims 57-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew (U.S. Patent 5,497,414) in view of Tatchell et al. (U.S. Patent 5,905,774), and it appears that Claims 60-66, 68-72, and 75-93 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew (U.S. Patent 5,497,414) in view of Tatchell et al. (U.S. Patent 5,905,774). Claim 73 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew (U.S. Patent 5,497,414) in view of Tatchell et al. (U.S. Patent 5,905,774) and further in view of Bartholomew et al. (U.S. Patent 6,167,119), and Claim 74 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew (U.S. Patent 5,497,414) in view of Tatchell et al. (U.S. Patent 5,905,774) and further in view of Jones et al. (U.S. Patent 5,033,076).

Independent Claims 57, 60, 68, 69, 70, 71, 77, 84, 91, 92, and 93

Each of the pending independent claims recites the act or operation of transmitting a request for audible caller identification information to a calling communication station. The Examiner concedes that Bartholomew does not disclose this feature, but suggests that Bartholomew can be modified to include this feature, as purportedly disclosed in Tatchell et al. Applicants submit that there is no suggestion to combine the teachings of Bartholomew and Tatchell et al., and the proposed combination is the result of nothing more than using the claimed invention as a blueprint to pick-and-choose isolated elements from the prior art. Indeed, Applicants submit that the Examiner's proposed modification of Bartholomew changes the principle of operation of Bartholomew and in improper under MPEP § 2143.01.

Bartholomew discloses systems for handling calls where caller identification information has been blocked. The systems disclosed in Bartholomew describe different ways to process

these calls, such as blocking the call, forwarding the call to voicemail, or completing the call. (See Figure 4A). In each of these systems, the call is processed and routed *without obtaining any caller identification information from the caller* and *without providing any caller identification information to the called party*. Accordingly, there is no motivation to modify Bartholomew to include the capability of transmitting a request for audible caller identification information to a calling communication station, because the systems disclosed in Bartholomew have no need or use for such information. To the contrary, since all of the systems disclosed in Bartholomew describe ways for processing calls without obtaining any caller identification information from the caller and without providing any caller identification information to the called party, modifying Bartholomew as suggested by the Examiner would change the principle of operation of Bartholomew. Such a modification is improper under MPEP § 2143.01, and Applicants request that these rejections be withdrawn. Accordingly, all of the pending independent claims (57, 60, 68, 69, 70, 71, 77, 84, 91, 92, and 93), as well as all of their dependent claims, are patentable over the proposed combinations for this reason alone.

Even if Bartholomew and Tatchell et al. could be combined as suggested by the Examiner, the proposed combination does not disclose the feature of determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within a query, as recited in all of the pending claims.

As explained in previous responses to office actions, Applicants respectfully submit that Tatchell et al. does not disclose this feature. Applicants have noted that in column 6, lines 41-52, Tatchell et al. includes a brief discussion of how one type of query can be used. In that discussion, Tatchell et al. only discloses that a query can be used by an SSP to obtain routing

information from an SCP. Similarly, column 10, lines 17-20 discloses a query that contains only the identity of the subscriber based on the called number and explains that the query is used only to determine how to route a call. Also, while column 20, lines 50-51 generally disclose determining if a call has a CLID, it discloses that the determination of whether a call has a CLID is made without using a query. Column 20, lines 41-44 state that when an incoming call is directed to a number for which the subscriber has requested call screening, the agent is invoked, and column 20, lines 48-50 state that the agent determines if the call has a CLID. However, column 20, lines 51-52 state that if the call does not have a CLID of the CLID is blocked, the agent answers the call. This suggests that the call is routed to the agent so that the agent can determine if the call has a CLID and so that the agent can answer the call if the call does not have a CLID. If the call is routed to the agent, a query to the agent is not necessary. Indeed, nowhere in this portion of Tatchell et al. is the use of a query disclosed or even suggested. Thus, Tatchell et al. does not disclose determining if caller identification is available for a calling communication station by analyzing data contained within a query.

Bartholomew also fails to disclose this feature. Bartholomew explains that "[a]t step S100 a caller initiates a call by going off-hook and dialing digits of the called party destination. At step A102 the dialed digits are received at the originating central switching office (CO), which determines at step S104 whether a caller ID block ahs been set at the switch for the caller party line." (Column 6, lines 44-49). Bartholomew goes on to explain that after it has been determined that a privacy status has been activated for the calling line, then a message is triggered to obtain a call processing record (CPR) to determine the manner in which the call is to be handled. (Column 6, lines 52-59). Thus, any determination of whether caller identification information for a calling party is available is made by the originating central switching office,

and it is made *before* any query has been generated. Indeed, the query is used to determine how to handle call; it is not used to determine whether caller identification information for a calling party is available. The comparison of the calling party's number with data stored in a call processing record, which the Examiner cited in his answer, is done for the purpose of determining how to handle the call; it is not done for the purpose of determining whether caller identification information for a calling party is available. Thus, Bartholomew also fails to disclose the feature of determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within a query.

Because the proposed combination of Bartholomew and Tatchell et al. fails to disclose the feature of determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within a query, all of the pending independent claims (57, 60, 68, 69, 70, 71, 77, 84, 91, 92, and 93), as well as all of their dependent claims, are patentable over the proposed combination.

Independent Claims 77 and 84

Independent Claims 77 and 84 both recite systems for processing a call that include a service control point coupled with a switch, the service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query. As explained above, the purported combination of Bartholomew and Tatchell et al. that the Examiner has cited as a basis for rejecting these claims is improper because the proposed modifications to Bartholomew would change the principle of operation of the systems

disclosed in Bartholomew. In addition, even if the combination of Bartholomew and Tatchell et al. could be made, it would not yield a service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query. As noted above, to the extent that any determination of whether caller identification information for a calling party is available is made in the systems disclosed in Bartholomew, the determination is made by the originating central switching office, and it is made before any query has been generated. Thus, any such determination is not made by a service control point, and it is not made by analyzing information contained within a query. Accordingly, independent Claims 77 and 84, as well as their dependent claims, are patentable over the proposed combinations for these reasons as well.

Independent Claims 68, 91, 92, and 93

Independent Claims 68, 91, 92, and 93 all recite computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station. As explained above, the purported combination of Bartholomew and Tatchell et al. that the Examiner has cited as a basis for rejecting these claims is improper because the proposed modifications to Bartholomew would change the principle of operation of the systems disclosed in Bartholomew. In addition, even if the combination of Bartholomew and Tatchell et al. could be made, it would not yield the inventions recited in these claims, which all require determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query. As noted above, to the extent that any determination of

whether caller identification information for a calling party is available is made in the systems disclosed in Bartholomew, the determination is made before any query has been generated. Thus any such determination is not made by analyzing information contained within a query. Accordingly, independent Claims 68, 91, 92, and 93, as well as their dependent claims, are patentable over the proposed combinations for these reasons as well.

Dependent Claims

With respect to dependent Claims 61-63, Applicants submit that Bartholomew does not disclose the additional features, as the Examiner suggests. As explained above, Bartholomew does not disclose analyzing information contained within a query to determine the status of caller identification information. Instead, a query is used to determine how to process a call. Moreover, the systems disclosed in Bartholomew are only concerned with determining how to process calls where caller identification information has been blocked; they are not concerned with obtaining or providing caller identification information to the called party. Accordingly, Bartholomew does not disclose analyzing information contained within a query to determine whether caller identification information for a calling communication station is unavailable, incomplete, or has been blocked. Claims 61-63 are patentable over the proposed combinations for at least these reasons as well.

With respect to dependent Claim 64, it recites transmitting a message to the called communication station where the message comprises accept and reject options and a request for input from the called communication station. This portion of Claim 64 has been completely ignored in the portion of the Examiner's Answer that addresses Claim 64. While Tatchell et al. makes a passing reference to a subscriber being able to accept, reject, or redirect a call after hearing an announcement, it does not disclose transmitting a request for input from the called

communication station, as recited in this claim. (Col. 21, lines 34-36). Bartholomew also fails to disclose this feature. Claim 64 is patentable over the proposed combination for at least these reasons as well.

With respect to dependent Claim 65, it recites transmitting a message to the calling communication station in response to *input from the called communication station*. While Tatchell et al. may disclose transmitting a message to the calling party that asks the calling party to speak his or her name, as noted by the Examiner, that message is sent without receiving any input from the called communication station. (Col. 20, lines 50-51). Bartholomew also fails to disclose this feature. Claim 65 is patentable over the proposed combination for at least these reasons as well.

With respect to dependent Claim 66, it recites transmitting a text message to the called communication station. In column 18, line 56-59, Tatchell et al. states that the *agent* can receive a text message and can translate that message, using text-to-speech, to obtain an *audible announcement* that is delivered to the called party. However, Tatchell et al. does not disclose transmitting a text message to the called communication station as recited in this claim. Bartholomew also fails to disclose this feature. Claim 65 is patentable over the proposed combination for at least these reasons as well.

With respect to dependent Claim 76, it recites that the input from the called communication station comprises dual tone multi-frequency tones. This limitation appears to have been ignored in the Examiner's Answer, and Applicants submit that neither Bartholomew nor Tatchell et al. disclose this feature.

With respect to dependent Claim 78-80 and 85-87, these claims are patentable for the same reasons as discussed above in conjunction with Claims 61-63.

With respect to Claim 93, it recites computer readable program code for causing a computer to transmit a message to the calling communication station *in response to input from the called communication station.* This claim is patentable for the same reasons as discussed above in conjunction with Claim 65.

Claim 73 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew (U.S. Patent 5,497,414) in view of Tatchell et al. (U.S. Patent 5,905,774) and further in view of Bartholomew et al. (U.S. Patent 6,167,119). Applicants renew their objection to this combination and note that there is no suggestion to combine the teachings of these references, and the proposed combination is the result of nothing more than using the claimed invention as a blueprint to pick-and-choose isolated elements from the prior art. Moreover, even if these references could be combined they do not yield a system whereby a calling party is asked to "speak the name of the party upon whose behalf he or she is calling." While Bartholomew et al. ('119 patent) may disclose requesting a caller to say the name of the person that they are calling (col. 43, lines 30-36), it does not disclose asking the caller to say the name of the party upon whose behalf he or she is calling, i.e. John Doe calling on behalf of The Telephone Company. Accordingly, Claim 73 is patentable over the proposed combination for at least this reason as well.

Claim 74 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew (U.S. Patent 5,497,414) in view of Tatchell et al. (U.S. Patent 5,905,774) and further in view of Jones et al. (U.S. Patent 5,033,076). Applicants renew their objection to this combination and note that there is no suggestion to combine the teachings of these references, and the proposed combination is the result of nothing more than using the claimed invention as a blueprint to pick-and-choose isolated elements from the prior art. Because Claim 74 depends from Claims 60, 69,

70, and 71, it is patentable for at least the reasons discussed above in conjunction with these independent claims.

Dated: May 9, 2005

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